

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------|---|-------------------------|
| In re Application of: |) | Art Unit: 1637 |
| |) | |
| FRESKGARD, et al. |) | Examiner: BABIC, C. |
| |) | |
| Serial No.: 10/518,056 |) | Washington, D.C. |
| |) | |
| Filed: October 3, 2005 |) | March 22, 2010 |
| |) | |
| For: MICROARRAYS DISPLAYING |) | Docket No.: FRESKGARD=8 |
| ENCODED MOLECULES |) | |
| |) | Confirmation No.: 8250 |

REQUEST FOR CONTINUED EXAMINATION (RCE)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop RCE
401 Dulany Street
Alexandria, VA 22314

S i r :

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114 (must check "a" or "b")

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on November 17, 2009
(Any unentered amendment(s) referred to above will be entered)

☒ Since the Advisory Action refused to enter the Amendment on the ground that it raised new issues, the next action cannot be made final. See MPEP 706.07(h) (VIII) and 706.07(b).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ DO NOT consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on _____.

b. ☒ Enclosed

i. ☐ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☒ Information Disclosure Statement (IDS)
iv. ☐ Other

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required). If this box is checked, the PTO is specifically authorized, if the suspension fee is not otherwise paid, to charge the suspension fee to Deposit Account 02-4035.

b. ☐ Other

3. Fees

a. small entity status

☒ small entity status was previously asserted.

☐ small entity status is now asserted.

b. Fee Calculation

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e): \$

☒ 405.00 (small entity) ☐ 810.00 (large entity)

(The RCE fee is set at an amount equal to the basic filing fee of a utility application; small entity reduction is available.)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

Small Entity

Non-Small Entity

Response filed within:

Response filed within:

____ first -\$ 65.00

____ first - \$ 130.00

____ second -\$ 245.00

____ second - \$ 490.00

XX third -\$ 555.00

____ third - \$1,110.00

____ fourth -\$ 865.00

____ fourth - \$1,730.00

____ fifth -\$1,175.00

____ fifth - \$2,350.00

month after time period set. month after time period set.

(less \$ _____ already paid for _____ month(s) extension of time on _____).

iii. ☐ Fee of \$130 under 1.17(i) for requesting limited suspension.

iv. Additional claims

(RCE fee need not include excess claims fee for claims previously paid for)

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| (Col. 1) | | (Col. 2) | | (Col. 3) | Small Entity | | Other Than a Small Entity | |
|--|----------------------------------|----------|---------------------------------|---------------|--------------|----------------|---------------------------|----------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Additional Fee | Rate | Additional Fee |
| Total | | Minus | | = | x 26 | \$ | x 52 | \$ |
| Indep. | | Minus | | = | x110 | \$ | x220 | \$ |
| First Presentation of Multiple Dependent Claim | | | | | 195 | \$ | +390 | \$ |
| TOTAL ADDITIONAL CLAIMS FEE | | | | | | \$ | Total | \$ |

v. Other:_____.

c. The total fee due is therefore \$960.00.

d. PAYMENT BY

i. ☐ Check (#) in the amount of :

ii. Attached is Credit Card Authorization authorizing payment in the amount of \$960.00.

iii. ☐ Charge \$ _____ to Deposit Account No. 02-4035

e. ☒ Provisional extension of time if needed. Applicants authorize any charge of additional fees (**except issue and publication fee**) which may be required in connection with this application, for this paper or any later filed paper, to Deposit Account No. 02-4035.

f. ☒ The director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:_____

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